

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 21 SEP 2005

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| Applicant's or agent's file reference HARRISON | FOR FURTHER ACTION See Form PCT/PEA/416 | |
| International application No. PCT/GB2004/003612 | International filing date (day/month/year) 24.08.2004 | Priority date (day/month/year) 29.08.2003 |
| International Patent Classification (IPC) or national classification and IPC A47C23/04 | | |
| Applicant A HARRISON (BEDDING) LIMITED ET AL. | | |

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☒ sent to the applicant and to the International Bureau a total of 3 sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

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| Date of submission of the demand 12.03.2005 | Date of completion of this report 22.09.2005 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | Authorized Officer Kus, S Telephone No. +31 70 340-4154  |

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/003612

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-10 as originally filed

Claims, Numbers

1-9 received on 11.05.2005 with letter of 06.05.2005

Drawings, Sheets

1/2, 2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
PCT/GB2004/003612

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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|-------------------------------|-------------|-----|
| Novelty (N) | Yes: Claims | 1-9 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-9 |
| Industrial applicability (IA) | Yes: Claims | 1-9 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

1.0. The following documents are referred to in this communication:

- D1: US 4 222 137 A
- D2: US 6 295 673 B1
- D3: US 2 595 072 A
- D4: US-A-2 049 550
- D5: AU 551 300 B
- D6: US-A-2 558 288
- D7: US-A-2 985 895
- D8: US-B-6 295 6731

2.0. INDEPENDENT CLAIM 1

2.1. The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.1.1. Document D1, which is considered to represent one of the most relevant state of the art to the subject matter of claim 1, discloses (the references in parenthesis applying to this document):

a bed or mattress including a plurality of ~~pocketed~~ springs (22) and a base (18) to which said springs (22) or some at least of said springs (22) are directly or indirectly secured, said base (18) being movable in the axial direction of said springs (22) so as to vary the compression of said springs (22) or some at least of said springs (22), an upper surface (A) of said bed or mattress remaining in the same horizontal plane or substantially the same horizontal plane (see col. 3 lines 8-14) regardless of the degree of compression of said springs (22) or some at least of said springs (22) and the position of said base (18) (cf. claim 1).

2.1.2. The subject-matter of independent claim 1 differs from the disclosure of D1 in that: a plurality of springs are pocketed springs.

2.1.2.1. Furthermore documents D2-D7 (see search report) show the features mentioned in point 2.1.1.

2.1.3. The problem to be solved by the present invention may therefore be regarded as: how to provide improved springs.

2.1.4. In view of D8 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

the feature of "plurality springs being a pocketed springs" is described in D8. The skilled person would therefore regard it as a normal option to include this feature in the bed or mattress described in D1 in order to solve the problem posed.

2.1.5. Therefore the features disclosed in any of the documents D1-D7 and D8 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

3.0. DEPENDENT CLAIMS 2-9

Dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT).

All these features are known per se or form part of the prior art used for the corresponding purpose:

a) claims 2-6:

- D8: fig. 3; col. 2 lines 38-44
- D3: fig. 2,3,4-7; col 2 lines 62-64
- D2, D4-D7

b) claims 7,9:

- D3-D7, figures

c) claim 8:

- D1-D7, figures

Furthermore these features concern only constructional developments solving independent problems without producing any surprising effect which would result from their combination.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/GB2004/003612

EPO - DG 1

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CLAIMS:

- 05 1. A bed or mattress including a plurality of pocketed springs and
a base to which said springs or some at least of said springs are
directly or indirectly secured, said base being movable in the axial
direction of said springs so as to vary the compression of said springs
or some at least of said springs, an upper surface of said bed or
10 mattress remaining in the same horizontal plane or substantially the
same horizontal plane regardless of the degree of compression of said
springs or some at least of said springs and the position of said base.
- 15 2. A bed or mattress according to Claim 1, wherein said pocketed
springs are single pocketed springs, double pocketed springs,
pocketed springs arranged in end-to-end and co-axial relationship, or
a combination thereof.
- 20 3. A bed or mattress according to Claim 1 or Claim 2, wherein
said pocketed springs are arranged in rows each surrounded or

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partially surrounded by fabric or other suitable material.

05 4. A bed or mattress according to Claim 1 or Claim 2, wherein
two rows, three rows or more are each surrounded by a single piece
of fabric or other suitable material.

10 5. A bed or mattress according to Claim 3, wherein the rows of
springs or some of the rows of springs are secured directly to said
base.

6. A bed or mattress according to Claim 3, wherein adjacent rows
of springs or groups of rows of springs are adhesively secured
15 together and a bar or other means is located between said rows or
groups of rows of springs.

7. A bed or mattress according to any of Claims 1 to 6, wherein
said base is formed of a plurality of sections movable independently
20 of one another so that the compression of the springs may be varied

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in selected areas or in a selected area of said bed or mattress.

05 8. A bed or mattress according to any of Claims 1 to 6, wherein
said base is formed as a single structure.

9. A bed or mattress according to Claim 7 or Claim 8, wherein
said base or a part or parts of said base is/are moved in the axial
10 direction of the springs by one or more air bags, screw motors,
electric motors, or by means of jack handle(s) or by any other suitable
means.

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